

State of Utah

**Firearm Laws
For
Concealed Carry Permit
Applicants**

Utah Department of Public Safety
Bureau of Criminal Identification
3888 W 5400 S
Salt Lake City, Utah 84118
801-965-4445

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Bureau of Criminal Identification
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INTRODUCTION

Concealed firearm permits in the State of Utah are regulated by the Bureau of Criminal Identification (BCI). BCI also regulates the purchase of firearms as legislated by the Handgun Violence Protection Act, commonly referred to as the Brady Bill.

A permit to carry a concealed firearm in the State of Utah may be obtained by completing the instructions, and meeting the requirements as outlined in the Application for Concealed Firearms Permit. Applications may be obtained through the BCI website at www.bci.utah.gov, or in person and submitted by mail to:

Bureau of Criminal Identification
3888 W 5400 S
Salt Lake City, Utah 84118
- or -
Bureau of Criminal Identification
Box 148280
Salt Lake City, Utah 84114-8280

BCI accepts applications between 8:00 a.m. and 5:00 p.m. Monday-Friday

Application costs are a non-refundable fee of \$59.00. This fee consists of \$35.00 for processing and \$24.00 charged by the FBI to process fingerprint cards. Payment may be made in person by cash, Mastercard, VISA, check or money order. Mailed applications may only be paid by Mastercard, VISA, check or money order, do not send cash through the mail. Please make checks or money orders payable to the Utah Bureau of Criminal Identification.

WHO IS ELIGIBLE?

Minimum requirements for application are 21 years of age and proof the applicant is of good character. As cited in Utah Criminal Code §53-5-704(2), an applicant demonstrates good character if he/she:

- (a) has not been convicted of a felony;
- (b) has not been convicted of a crime of violence
- (c) has not been convicted of an offense involving the use of alcohol;
- (d) has not been convicted of an offense involving the use of narcotics or other controlled substances;
- (e) has not been convicted of an offense involving moral turpitude;
- (f) has not been convicted of an offense involving domestic violence;
- (g) has not been adjudicated by a court of a state or of the United States as mentally incompetent, unless the adjudication has been withdrawn or reversed: and
- (h) is qualified to purchase and possess a dangerous weapon and a handgun pursuant to Section 76-10-503 and federal law.
- (i) within the last ten years, has not been adjudicated delinquent for an offense which if committed by an adult would have been a violent felony.
- (j) within the last seven years, has not been adjudicated delinquent for an offense which if committed by an adult would have been a felony.

CRIMINAL BACKGROUND CHECKS ARE CONDUCTED ON ALL APPLICANTS.

WHAT MUST ACCOMPANY THE APPLICATION?

- Weapon Familiarity Certification

Applicants **must** complete a firearms familiarity course taught by an instructor certified by BCI. The course **must** be completed before you apply for a permit. Your instructor **must** complete the certification information on the application.

- A photocopy of your Driver License

- One recent color photograph of passport quality, not larger than 3x5. Photos may be taken at BCI for a fee of \$10.00
- One fingerprint card, which **must** be filled out completely. Writing and prints **must** be legible. Fingerprints should be taken by a trained fingerprint technician. **Fingerprint cards that are not legible will be returned to the applicant and will cause a delay in processing the application.** Fingerprint services are available at BCI for a fee of \$10.00. This service may be offered through your local law enforcement agency.

TEMPORARY CONCEALED FIREARM PERMIT

BCI may issue a temporary permit to carry a concealed firearm to a person who:

- Has applied for a permit by complying with the requirements outlined for obtaining a new permit;
- Demonstrates good character as defined in as defined in requirements for a new permit;
- Demonstrates in writing, to the satisfaction of BCI, extenuating circumstances that would justify issuing a temporary permit. The circumstances **must** show an immediate threat. General occupational hazards do not constitute grounds for a temporary permit.
- A temporary permit may be issued until record checks regarding the applicant have been completed.
- A temporary permit is **valid only for a maximum of 90 days or any lesser period specified by BCI, or until a full permit is issued.**
- A temporary permit may be denied, suspended, or revoked if the Commissioner of Public Safety determines:
 - * The circumstances justifying the temporary permit no longer exists.
 - * The holder has knowingly and willfully provided false information regarding his/her character.
 - * The holder does not meet the requirements for a full permit.

The denial, suspension, or revocation of a temporary permit shall be in writing and shall include the reasons for the action. The licensing authority's decision to deny, suspend, or revoke a temporary permit may not be appealed to the Concealed Weapon Review Board.

DENIALS & SUSPENSIONS

A permit may be denied, suspended, or revoked if the applicant fails to maintain good character as defined under Utah Criminal Code §53-5-704. The permit may also be denied, suspended, or revoked if the licensing authority has reasonable cause to believe the applicant has been or is a danger to self or others as demonstrated by evidence including, but not limited to:

- Past pattern of behavior involving unlawful violence or threats of unlawful violence.
- Past participation in incidents involving unlawful violence or threats of unlawful violence; or
- Conviction of any offense in violation of Utah Criminal/Weapons Code (§76-10-500 series).

If a person granted a permit has been charged with a crime of violence in Utah or any other state, BCI shall suspend the permit. If the person charged is acquitted, or the charges are dropped, BCI shall immediately reinstate the suspended permit.

In determining whether the applicant has been or is a danger to self or others, the division may inspect:

- Expunged records of arrests and convictions in adult and juvenile court.

In the event of a denial, suspension, or revocation by BCI, the applicant may file a petition for review the Concealed Weapon Review Board. The petition must be received within 60 days from the date of the denial, suspension or revocation.

- The denial of a permit shall be in writing and shall include the general reasons for the action.
- A denied applicant may appeal to the Concealed Weapon Review Board, and in so doing have access to the evidence upon which the denial is based.
- On appeal to the board, BCI shall have the burden of proof by a preponderance of the evidence.
- Upon a ruling by the board on the appeal of a denied, suspended, or revoked permit, BCI shall issue a final order within 30 days stating the board's decision.

FIREARMS INSTRUCTOR APPLICATION

HOW TO APPLY

Instructor applicants must complete all applicable sections of the Application for Concealed Firearm Instructor form. This form can be obtained in person, by mail from BCI, or by accessing the BCI website at www.bci.utah.gov.

COST TO APPLY

A non-refundable fee of \$5.00 must be included with the application. Payment may be made by Mastercard, VISA, check or money order. Checks and money orders should be made payable to Utah Bureau of Criminal Identification.

WHAT MUST ACCOMPANY THE APPLICATION?

- Attach a copy of any firearms certification currently held, which may include the NRA Firearms Instructor Certificate, P.O.S.T. Firearms Instructor Certificate, or equivalent insurer certification. If applicant is not certified through the NRA or P.O.S.T., but has equivalent training and certification, they may submit a copy of the course outline that qualifies them to be an instructor.
- Photocopy of Driver License or State Identification Card.
- Attach a summary of qualifications and past experience as a firearms instructor.
- Attach a copy of proposed course outline. ***All course outlines are required to meet the minimum content standards as established by BCI.*** A copy of BCI's training outline is sent with every instructor application packet.

PROCESSING THE APPLICATION

BCI will conduct a thorough background check on all applicants. The applicant's course outline will be reviewed to ensure that minimum training requirements are being met.

INSTRUCTOR RESPONSIBILITIES

BCI will provide an instructor identification number which must be used on all forms signed by the instructor. Every concealed firearm permit applicant must receive instruction in the areas outlined by Utah Code §53-5-704(8) and DPS Administrative Rule #R722-300.

WARNING: Falsification of any information in the application may result in denial or revocation of an instructor permit and possible criminal prosecution.

KNOW THE LAW

PURCHASING A GUN

- It is **unlawful** for a gun dealer to sell or transfer **any** firearm until an instant criminal history background check is conducted and approved by BCI.
- A valid Utah concealed firearm permit may be used to waive the BCI background and the corresponding fees. However, the dealer is still required to call BCI to verify the validity of the concealed firearm permit.
- A person who wishes to purchase a handgun must show proof of Utah residency. A person who wishes to purchase a rifle or shotgun is not required to show Utah residency, however they will be required to comply with the laws of the state in which they reside.

CARRYING A GUN

It is unlawful for a person with a firearm permit to carry a concealed firearm in the following locations:

- Any secure area in which firearms are prohibited and notice of the prohibition is posted.
- Any secure area of an airport.
- Any courthouse, courtroom, mental health facility or correctional facility that may provide by rule that no firearm may be transported, sold, given, or possessed upon the facility. At least one notice shall be prominently displayed at each entrance to a secure area in which a dangerous weapon, firearm, or explosive is restricted.
- Any house of worship that has notified BCI and is posted on the BCI website.
- It is **unlawful** to carry a firearm while under the influence of alcohol or a controlled substance with or without a permit. A concealed weapon permit is not a defense to prosecution for any person who carries a weapon while under the influence of alcohol or a controlled substance [(76-10-528(2)(b))]
- It is **lawful** to carry a firearm capable of being concealed in one's home or place of business without a permit.

It is unlawful for any to exhibit any firearm in an angry or threatening manner unless in necessary self-defense.

CARRYING IN VEHICLES

Only a peace officer in the performance of his duty or a person with a valid permit to carry may carry a loaded firearm in a vehicle.

- Unless otherwise authorized by law, it is **unlawful** to carry a loaded firearm in or on a vehicle; on any public street, or in a posted prohibited area [76-10-505 (1)(a)(b)(c)].
- It is **unlawful** for a person without a concealed firearms permit to carry a concealed firearm into a bus terminal.

- It is **lawful** to carry a firearm in a vehicle without a permit if:
 - *The firearm is unloaded;
 - *The firearm is enclosed in a case or box;
 - *The firearm is securely encased or held securely in a gun rack and is not readily accessible, not including a glove box or console box.

EXEMPTIONS

The following are exempt from Utah Weapons laws:

- Federal officials required to carry firearms while engaged in their official duties.
- Utah, city, county, and state law enforcement officials.
- Private shipping carriers while engaged in the regular transportation of firearms as merchandise.

ANTIQUES

Utah statutes are silent on antique and replica firearms. They are treated as ordinary firearms for possession and carrying purposes

MACHINE GUNS

It is lawful to possess, purchase, or sell a machine gun that is legally registered and possessed in compliance with all federal laws and regulations.

MISCELLANEOUS

- It is **unlawful** to discharge any kind of firearm from any vehicle or from, upon, or across any public highway, within Utah State Park buildings, designated camp or picnic sites, overlooks, golf courses, boat ramps, and developed beaches; or without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of a house, dwelling, or any other building; or any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard.
- It is **unlawful** to fire any tracer or incendiary ammunition in the State of Utah except within the confines of an established military reservation.
- It is **unlawful** to shoot or shoot at any signs or placards placed by the wildlife board or road signs on any highway.
- It is **unlawful** to shoot wildlife from airplanes, motor vehicles, motor boats or snowmobiles. Handicapped hunters may be authorized to hunt from a vehicle under terms and conditions specified by the wildlife board.
- It is **unlawful**, and a misdemeanor, when prohibited by local ordinance or law, to make or keep gunpowder, nitroglycerin or other highly explosive substances within town, or to carry such substances through the streets.
- It is **unlawful** to deliver to any express or railway company, common carrier, warehouse, or store-house any package containing nitroglycerin, dynamite, gun cotton, or gun powder to be handled, stored shipped, or transported without plainly marking the package with the name and nature of the contents.

- It is **unlawful** to set any spring or “trap gun”.
- It is **unlawful** to deliver any spring or “trap gun” to any express or railway company, common carrier, or to any person without informing them of the nature of the delivery.

MINORS

- It is **unlawful** for persons under the age of 16 to hunt unless accompanied – meaning at a distance within which visual and verbal communication is maintained for purposes of advising and assisting – by his/her parent or legal guardian, or other responsible person 21 years or older.
- Persons under the age of 14, while hunting with any weapon, **must** be accompanied by his/her parent or legal guardian, or other responsible person 21 years or older **and** approved by his/her parent or guardian.
- Persons of at least 14 years of age and under 16 years of age **must** be accompanied by a person of the age 21 years or older while hunting wildlife, other than big game, with any weapon.
- Persons under the age of 12 are **not** permitted to hunt for protected wildlife **except** as provided by rules of the Wildlife Board.
- It is **unlawful** for a minor under 18 years of age to possess a dangerous weapon unless he/she is accompanied by a parent or legal guardian **or** has their permission to have the weapon. A minor under the age of 14 **must** be accompanied by a parent.
- It is **unlawful** for a minor under the age of 18 to possess a handgun unless he/she is:
 - (a) a patron of a lawfully operated target concession at an amusement center and the firearms used are chained or affixed to the counters;
 - (b) In attendance at a hunter’s safety course;
 - (c) engaged in practice at a range or other area where discharge of a firearm is not prohibited by law;
 - (d) engaged in organized competition;
 - (e) on real property with the permission of the owner, licensee, or lessee of the property and has permission of a parent or guardian or the owner to possess a firearm;
 - (f) is hunting lawfully;
 - (g) is traveling to or from any activity listed above.

SAFETY TIPS

- **Always** keep the gun pointed in a safe direction.
- **Always** keep your finger off the trigger until ready to shoot.
- **Always** keep the gun unloaded until ready to use.
- **Always** be aware of your target and what is beyond.
- **Always** use **only** the correct ammunition for your gun.
- **Always** wear ear and eye protection when appropriate.
- **Never** use alcohol or drugs before or while shooting your gun.
- **Always** store your gun in a safe and responsible manner so that it is not accessible to unauthorized persons, **especially children.**
- **Be Aware** that certain types of guns and many shooting activities require additional safety precautions.

CONCEALED APPLICATION RENEWAL

WHEN

The Utah concealed firearm permit is valid for a period of five (5) years. The Bureau of Criminal Identification will send a renewal application approximately 45 to 60 days prior to expiration.

BCI must be informed whenever address changes or renewal notice may not be received

HOW

Complete the renewal application form (available at BCI or BCI's website www.bci.utah.gov) and return it to the Bureau of Criminal Identification with your check, money order, MasterCard or VISA. Renewal applications may be mailed to

Bureau of Criminal Identification
3888 W 5400 S
Box 148280
Salt Lake City, UT 84114-8280

COST

The Cost of renewal is \$10.00. This may be paid by check, money order, MasterCard, or VISA. *Please do not send cash in the mail.*

PROCESS

Once a renewal application is received an updated background check is done. When the background check is completed and approved the permit is automatically renewed for five (5) years. A new card will be mailed to applicant.

BACKGROUND CHECK

Occasionally a permit holder is involved in criminal activity which results in the revocation of his/her permit.

There will be no break in the validity of the permit provided the renewal process occurs before the expiration date. Even in cases where a criminal incident needs to be investigated, the permit remains valid until the investigation is completed. If corrective action is required the permit holder will be notified.

FREQUENTLY ASKED QUESTIONS

1. Why do I need a CCW permit to carry a loaded firearm in Utah?

Utah Criminal Code 76-10-505(1) (a) (b) (c) states “Unless otherwise authorized by law, a person may not carry a loaded firearm in or on a vehicle; on any public street; or in a posted prohibited area.”

2. Are CCW permits from other states recognized in Utah?

Yes! Any out-of-state CCW permit is recognized within the State of Utah; however, such permit holders are subject to the laws and rules governing Utah permit holders.

3. What other states recognize Utah CCW permits?

Currently Utah has agreements with the following states:

Alabama	Georgia	Ohio
Alaska	Louisiana	South Dakota
Arizona	Mississippi	Tennessee
Colorado	North Carolina	Texas
Florida	North Dakota	Washington

However, these agreements are subject to change so it is advised that permit holders contact the Attorney General’s office or the Department of Public Safety in any state you plan to visit in determining if they will recognize Utah’s CCW permit.

4. If I am stopped by a police officer do I, as a permit holder, have to tell the officer I have a gun in my possession?

ABSOLUTELY! The requirement to identify yourself to a police officer as a CCW permit holder in possession of a handgun is covered in Public Safety Rule #722-300-12.

“When a concealed firearm permit holder or certificate of qualification holder is stopped for questioning by a peace officer based on reasonable suspicion in accordance with Section 77-7-15 and the holder has a concealed firearm in his/her possession, the holder shall immediately advise the peace officer that he/she is a lawful holder and has a concealed firearm in his/her possession.”

If an officer finds or sees a gun on a person during their contact with them and they have not identified themselves as a permit holder in legal possession of a firearm, the officer must assume they are carrying the gun illegally and will take the appropriate defensive action. For the safety of all involved, it is better to immediately identify yourself to the officer as a permit holder in possession of a firearm. This action gives the officer some assurance that he/she is most likely dealing with a law abiding citizen.

5. Is there anyway to check and see if a criminal history will prevent a person from obtaining a concealed firearm permit BEFORE going through the process of applying?

Yes! An applicant may contact a BCI Investigator by phone or in person and explain what type of problem they have. Based on the information an investigator can determine whether an applicant will qualify for a concealed firearm permit or not.

6. What is a *Temporary Permit* and how do I get one?

A *Temporary Permit* is issued for emergency purposes only. It is only issued for those individuals who have a direct and/or immediate threat against their lives and need the immediate means to protect themselves from a known threat. Each request for a temporary permit is closely scrutinized by BCI Investigators. It is not for general occupational hazards such as carrying large amounts of cash and/or merchandise. The temporary permit is only for the interim period of time you apply and the time it takes BCI to process a normal permit. Temporary permits are valid for 90 days.

If you wish to apply for a temporary permit, you must provide all the documents for a normal permit as well as a detailed letter of request that fully explains the circumstances under which you need an immediate permit to carry a concealed firearm.

7. As a permit holder, exactly where can I carry or not carry a firearm?

The concealed firearm permit only exempts the permit holder from two laws:

- a. carrying a concealed and loaded firearm in a vehicle and;**
- b. carrying a concealed firearm on your person.**

All other state and federal laws, such as you may not carry a firearm in secured areas of an airport or you may not carry a firearm in secure federal buildings or on federal park lands, also apply to concealed firearm permit holders. These areas should always be posted; however, it is the responsibility of the permit holder to be aware of such restrictions. Churches may prohibit the carrying of weapons by concealed firearm permit holders as long as such prohibition is made sufficiently clear via posted notification.

8. What about private business? Can they post signs prohibiting concealed firearm holders from their premises?

Yes! Private property owners may apply whatever restrictions they want. Whether those restrictions violate one's constitutional rights is for the civil courts to decide. The only statutory restrictions on permit holders are secured areas such as airports, federal buildings, and federal parks.

9. May I carry my loaded and concealed firearm into a bar or other drinking establishment?

There is nothing in state statute that prohibits permit holders from being in a bar with a concealed firearm. However, it is illegal to be intoxicated and in possession of a firearm. The level of intoxication that is considered illegal is the same standard as when driving a car (.08 B,A,C.).

10. If I feel someone MAY be a threat to me, can I show them I have a gun to scare them off?

Any action you take with a gun must be in direct self-defense. Otherwise, it is considered threatening with a dangerous weapon and YOU will be labeled the aggressor. You may be criminally charged and you will most likely have your permit revoked. CARRYING A FIREARM IS VERY SERIOUS BUSINESS WITH NO ROOM FOR MISTAKES. If you pull a firearm on someone or even display the weapon, then it must be in self-defense or it is not justified. It should be noted that the key element of carrying a firearm with a CCW permit is the word concealed.

11. Do I have to be a Utah resident in order to obtain a Utah CCW permit?

No! Anyone may obtain a Utah CCW permit, provided they meet the minimum qualifications.

12. If I have a Utah CCW permit do I have to go through the standard Brady Bill background check when I purchase a firearm?

Not if you are a Utah State resident, a valid Utah CCW permit may be used to waive the BCI background check and the corresponding fees. However, the dealer is still required to call BCI to confirm the validity of the permit.